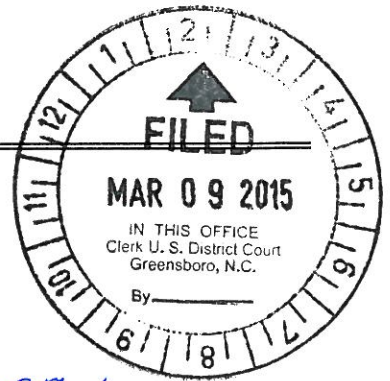


UNITED STATES DISTRICT COURT
for the
Middle District of North Carolina



United States of America
v.
GOSAFAT RODRIGUEZ aka "TITO"

Case No. 1:15MJ97-1

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 9, 2014 in the county of Guilford in the
Middle District of North Carolina, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 1073	Unlawful Flight to Avoid Prosecution

This criminal complaint is based on these facts:

See attached Affidavit of John Ludemann, incorporated as if fully set forth.

☒ Continued on the attached sheet.



Complainant's signature
 FBI-TFO

Printed name and title

Sworn to before me and signed in my presence.

Date: 3/9/2015 2:00pm

City and state: Winston Salem, North Carolina



Judge's signature
 Joi Elizabeth Peake, U.S. Magistrate Judge

Printed name and title

Affidavit:

I, John Ludemann, being duly sworn, hereby depose and state as follows:

1. I have been a police officer with the city of Greensboro for 10 years. I am currently a detective with the Greensboro Police Department ("GPD"), assigned to the Violent Criminal Apprehension Team. I am also cross sworn as a task force officer assigned to the Federal Bureau of Investigation ("FBI") Safe Streets Task Force in Greensboro. I have been in this current assignment for four years. During that time, I have been directly involved with the investigation and apprehension of over 1,000 fugitives. I have received training from the FBI in regards to cell phone analysis and use it on a weekly basis to locate and apprehend violent criminals.

2. I am an investigative law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, in that I am empowered by law to conduct investigations and to make arrests for federal felony offenses.

3. This affidavit is submitted in support of an application for an Arrest Warrant for GOSAFAT RODRIGUEZ aka "TITO" (hereafter, "RODRIGUEZ"), a Mexican male, with a date of birth of December 2, 1995.

4. A GPD investigation of which I am aware revealed that on November 8, 2014, around 2:30 a.m., an altercation occurred between two groups of individuals leaving a bar in downtown Greensboro. During this altercation individuals from both groups began shooting at one another. During the altercation, Mark Shayne Davis was shot and killed. GPD homicide detectives determined that RODRIGUEZ shot Davis. On November 12, 2014, GPD officers obtained warrants for RODRIGUEZ for First Degree Murder under North Carolina law.

5. As a member of VCAT, I was assigned this case for the apprehension of RODRIGUEZ. A recent check of RODRIGUEZ' address, 2803 Four Seasons Boulevard, Greensboro, North Carolina, revealed that he does not appear to have resided there since November 2014.

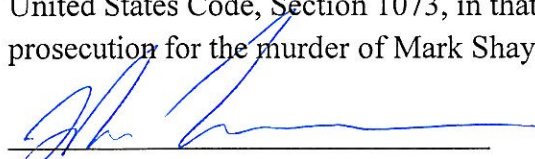
6. Through investigation, several witnesses provided to GPD officers a Verizon phone number belonging to RODRIGUEZ. A GPD officer submitted a Pen Trap and Trace Order for that number, which order was signed by a North Carolina superior court judge on November 12, 2014. After submitting the order to Verizon, GPD officers discovered that the phone associated with the number was off. I then examined historical cell-site records associated with RODRIGUEZ's number and discovered that the phone appeared to have traveled to Laredo, Texas on November 11, 2014. Records and historical GPS information (RTT) indicated that the

phone, and presumably Rodriguez, crossed the border into Nuevo Laredo, Mexico on or about November 11, 2014. There was no official record of RODRIGUEZ crossing the border into Mexico, nor was there any official record reflecting that he had later returned to the United States. RODRIGUEZ' information was sent to U.S. Border Patrol, and he was placed into NCIC, in case he attempted legal re-entry into the United States.

7. I submitted a search warrant to Facebook, Inc. ("Facebook") for RODRIGUEZ' Facebook page. IP address history that Facebook produced pursuant to this warrant indicated that RODRIGUEZ' Facebook page had been accessed in Siler City, North Carolina in late November 2014. It was determined through the internet provider that the IP address where the account was accessed belonged to a convenience store in Siler City. Further investigation revealed that one of the defendant's cousins, Luzveydi Rodriguez, worked at the store. I located her at her residence, 632 East 5th Street in Siler City. During her interview, she stated that the night after the homicide, the family gathered in Asheboro and made plans to assist RODRIGUEZ in leaving the country. She stated that RODRIGUEZ departed on a bus to Mexico, and she heard from other family members that he had made it across the Mexican border. She claimed not to know where he was currently staying in Mexico but believed he might be with his father.


8. Through monitoring of phone records from the defendant's brother Andrew, I determined that Andrew is consistently calling a Mexican phone number.

9. Based on the foregoing, I have probable cause to believe that RODRIGUEZ has committed the federal crime of Unlawful Flight to Avoid Prosecution, in violation of Title 18, United States Code, Section 1073, in that he fled the State of North Carolina in order to avoid prosecution for the murder of Mark Shayne Davis.



John Ludemann
Task Force Officer
Federal Bureau of Investigation
Greensboro, North Carolina

Subscribed and sworn to before me this 9 day
of March, 2015.



Hon. Joi Elizabeth Peake
U.S. Magistrate Judge